

Claim rejections under 35 USC 102 (b):

The rejection of claims 9-16 under 35 USC 102 (b) as unpatentable over Kashimura et al is respectively traversed.

An examination of independent claim 9 reveals a method which is completely different than that of Kashimura et al. Independent claim 9 includes the limitations of "continually determining a parameter that depends on an acceleration of the internal combustion engine by a monitoring and analysis method." Kashimura et al on the other hand determines a combustion state parameter by obtaining a differential revolution speed between a specific cylinder and a revolution speed in other cylinders. Thus, the rejections under 35 USC 102 are not supported by the art and should be withdrawn.

As a result of the differences between the invention and the prior art, Applicant's method is far simpler than that of Kashimura et al and requires only 13 computational steps as opposed to Kashimura et al which requires over twice as many steps. Thus Applicant's arrangement is far less computationally intensive and would require less hardware than Kashimura et al.

In addition, Kashimura et al requires at least three sensors (see fig. 1) to practice their method while Applicant's method can be accomplished with only a single sensor (see fig. 4 of USP 5056360 mentioned on page 1 of the specification).

Further, dependent claim 12 recites that the method of claim 9 "is used during the calibration of the internal combustion engine", a limitation not taught nor suggested by Kashimura et al.

Likewise, claim 15 claims "an even running regulation method is used to correct the combustion in the cylinders of the internal combustion engine to increase the even running of the engine and the variance of the parameter is used to check the result of the even running regulation." This feature is not at all discussed in Kashimura et al.

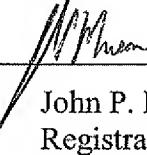
Without further examples, the Applicants respectfully submit that in addition to patentability based upon the novelty and nonobviousness of independent claim 9, dependent claims 10-16 can be shown to add further steps whose combination with those of independent claim 9 provide further bases for patentability.

Conclusion:

The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

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